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CENTRAL FAX CENTER
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

FLYNN Atty. Ref.: 550-489; Confirmation No. 9185

Appl. No. 10/715,368 TC/A.U. 2116

Filed: November 19, 2003 Examiner: M. Brown

For: DATA PROCESSING PERFORMANCE CONTROL

* * * * *

December 18, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER RULE 116

This Amendment is responsive to the Final Rejection mailed September 18, 2006 (Paper No. 20060906), the date of response to which is December 18, 2006.

In re Patent Application of

Atty 550-489

Dkt.

C# M#

FLYNN

TC/A.U.

2116

Examiner: M. Brown

Serial No. 10/715,368

Date: December 18, 2006

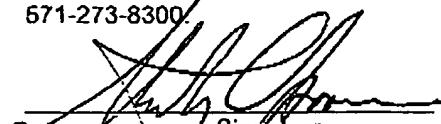
Filed: November 19, 2003

Title: DATA PROCESSING PERFORMANCE CONTROL

**RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES**

FACSIMILE CERTIFICATE

I hereby certify that this Amendment is being transmitted by facsimile to the Patent and Trademark Office on December 18, 2006, specifically to 671-273-8300.



Signature

Stanley C. Spooner
Reg. No. 27,393

No. of pages transmitted (including this cover sheet): 12 pages

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**RECEIVED
CENTRAL FAX CENTER**

DEC 18 2006

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Correspondence Address Indication Form Attached.

Fees are attached as calculated below:

Total effective claims after amendment 11 minus highest number previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 3 minus highest number previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add \$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)

Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$

Applicant claims "small entity" status. Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.

By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 